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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/694,965	10/27/2003	James D. Southwell	47088-00025USC1	4419
30223	7590	10/18/2005		
JENKENS & GILCHRIST, P.C. 225 WEST WASHINGTON SUITE 2600 CHICAGO, IL 60606			EXAMINER TAWFIK, SAMEH	
			ART UNIT 3721	PAPER NUMBER

DATE MAILED: 10/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/694,965

Applicant(s)

SOUTHWELL ET AL.

Examiner

Sameh H. Tawfik

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Period for Reply
-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 September 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 57 and 61-65 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 57 and 61-65 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>09082005</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 57 and 61-65 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kent (4,335,843) in view of Maurice (FR. 2,728,867).

Kent discloses a method of forming from a one-piece blank a container having at least two compartments and comprising at least six side panels and at least two bottom panels separated by a transverse rib extending to the top of said side panels, two of said side panels being longer than their respective container sides, two of said side panels being the same length as their respective container sides, said transverse rib having a panel foldably attached to one end of each face thereof, the method comprising the acts of: (a) forming said transverse rib (Fig. 2; via rib 60) by folding said blank along a first fold line extending across said blank and defining the top of said blank at a 90° angle along two fold lines parallel to said first fold line and defining the bottom edges of said transverse rib; (b) securing together the two sides of said transverse rib formed in (a); (c) forming said side panels by folding said side panels at a 90 degree angle from said folded blank of (b) and defining said two compartments in combination with said transverse rib; (d) securing said two longer side panels to their adjacent side panels; (e) folding said foldably attached panels at one end of each face of said transverse rib and securing

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each of said foldably attached panels to a side panel adjacent the opposite face of said transverse rib, see for example (Figs. 2 and 3).

Kent does not disclose the step of reinforcing the corners of said container where two of said side panels meet by folding at least once a tab at each corner of said blank to form a reinforcing panel and securing said panel to an adjacent side wall. However, Maurice discloses a similar method of forming container with the step of reinforcing the corners of said container where two of said side panels meet by folding at least once a tab at each corner of said blank to form a reinforcing panel and securing said panel to an adjacent side wall (Figs. 3, 7, 8, 9, 12, 14, and 16-19).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Kent's method by having the step of reinforcing the corners of said container where two of said side panels meet by folding at least once a tab at each corner of said blank to form a reinforcing panel and securing said panel to an adjacent side wall, as suggested by Maurice, in order to ensure strong holds to the corners of the container and avoid any damaging the corners.

Regarding claim 61: Kent discloses that the one piece blank is corrugated paperboard (Figs. 1 and 4).

Regarding claim 62: Kent discloses that the one piece blank has exactly tow compartments (Figs. 2 and 3).

Regarding claim 63: Kent discloses that the one piece blank has exactly six side panels (Figs. 2 and 3).

Regarding claim 64: Kent discloses that the one piece blank has exactly two bottom panels (Figs. 2 and 3; via different bottoms to different compartments).

Regarding claim 65: Kent discloses that the one piece blank has exactly six side panels and two bottom panels (Figs. 2 and 3).

Response to Arguments

Applicant's arguments with respect to claim 57 have been considered but are moot in view of the new ground(s) of rejection.

Examiner withdraws the Double Patenting rejection of paper Num. 05272005.

Conclusion

Applicant's submission of an information disclosure statement under 37 CFR 1.97(c) with the fee set forth in 37 CFR 1.17(p) on 09/08/2005 prompted the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 609.04(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sameh H. Tawfik whose telephone number is 571-272-4470.

The examiner can normally be reached on Tuesday - Friday from 8:00 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi Rada can be reached on 571-272-4467. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ST.



Rinaldi I. Rada
Supervisory Patent Examiner
Group 3700